

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Daun et al.

Application Serial No.: 10/500,840

Filed: January 21, 2005

For:

DEAZAPURINES AND USES THEREOF

Confirmation No.: 8954

Group Art Unit: 1625

Examiner: Niloofar Rahmani

Date: August 8, 2007

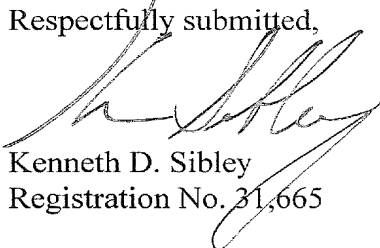
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. The Examiner is authorized to charge Deposit Account No. 50-0220 the amount of \$130.00 under [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer, as well as any additional fees, which may be required or credit any overpayment.

Respectfully submitted,

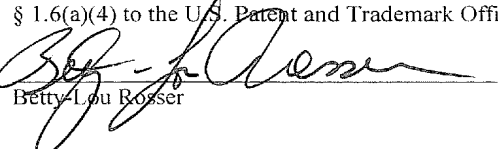


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 8, 2007.



Betty Lou Rosser

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

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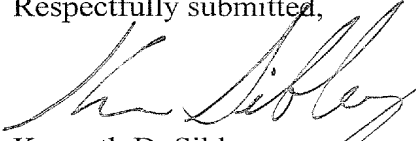
I, Kenneth D. Sibley, am an attorney of record of the disclaimant, Eisai Research Institute, and am authorized to execute this disclaimer on behalf of Eisai Research Institute. The disclaimant, Eisai Research Institute, having a principal place of business at 4 Corporate Drive, Andover, MA 01810, is the owner of all right, title, and interest in the above-identified application, as evidenced by an Assignment recorded on October 18, 2004, at Reel 015887, Frame 0075.

The disclaimant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Application Nos. 10/753,261 and 11/344,534, as presently shortened by any terminal disclaimer. These patents are commonly owned by the Disclaimant as evidenced by the Assignment as recorded on October 18, 2004 in PAIR.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the patent granted on the above-identified patent application and United States Application Serial Nos. 10/753,261 and 11/344,534, are commonly owned. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of prior United States Application Serial Nos. 10/753,261 and 11/344,534, as presently shortened by any terminal disclaimer, in the event that one or more of the prior patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

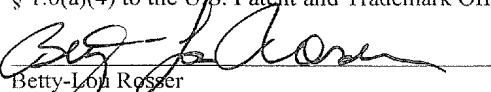


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Betty-Lon Rosser